

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
at Santa Fe, NM

MAY 18 2005

MATTHEW J. DYKMAN
CLERK

69cv07941 BB-ACE

STATE OF NEW MEXICO *ex rel.*
State Engineer,

Plaintiff,
v.

RAMON ARAGON, *et al.*,

Defendants.

RIO CHAMA STREAM SYSTEM
Village of Chama, Section 7
Subfile No.: CHCV-004-0001

CONSENT ORDER

The Court, having considered the agreement between the Plaintiff State of New Mexico and Defendant(s):

MELVIN E. KURTH JR.

concerning the Defendant's right to use the public waters of the Rio Chama Stream System, as set forth below finds:

1. The Court has jurisdiction over the parties and the subject matter of this suit.
2. The State of New Mexico and the above-named Defendant(s) are in agreement concerning certain elements of Defendant's right to divert and use the public waters of the Rio Chama Stream System, Village of Chama, Section 7, and by their signatures appearing below, the State and the Defendant(s) have approved and accepted the elements of Defendant's water rights as set forth in paragraph 4 herein.
3. There is no just reason for delay for the entry of a final judgment as to the elements of the claims of the Defendant(s) adjudicated by this order.

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4. The right of the Defendant(s) to divert and use the public waters from the Rio Chama Stream System, Village of Chama, Section 7, is set forth below:

A. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 1974

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama and the Rio Chamita, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: M-B DITCH

Location: X= 1,540.798 feet Y= 2,149.301 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	11.6 acres
Total	11.6 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCV-004-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

B. IRRIGATED LANDS (Surface Water Only):

Office of the State Engineer Files No(s) 1974

Priority: Reserved for future determination by court order entered November 19, 2002.

Source of Water: Surface water of the Rio Chama and the Rio Chamita, a tributary of the Rio Chama.

Purpose of Use: IRRIGATION

Point of Diversion:

Ditch: M-B DITCH

Location: X= 1,540,798 feet Y= 2,149,301 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Irrigated Acreage:

Within the Tierra Amarilla Grant	20.9 acres
Total	20.9 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCV-004-0001

Amount of Water: Reserved for future determination by court order entered November 19, 2002.

C. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) 1974-A, B, B-2,B-3, C, C-2, 1545 & 1699 into 1974-C

Priority: NONE

Source of Water: Surface water of the Rio Chama and the Rio Chamita, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: M-B DITCH

Location: X= 1,540,798 feet Y= 2,149,301 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Within the Tierra Amarilla Grant	188.7 acres
Total	188.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCV-004-0001

Amount of Water: NONE

D. NO RIGHT (Surface Water Only):

Office of the State Engineer Files No(s) 1974

Priority: NONE

Source of Water: Surface water of the Rio Chama and the Rio Chamita, a tributary of the Rio Chama.

Purpose of Use: NO RIGHT

Point of Diversion:

Ditch: M-B DITCH

Location: X= 1,540,798 feet Y= 2,149,301 feet

New Mexico State Plane Coordinate System, Central Zone, NAD 1983

Location and Amount of Acreage

Within the Tierra Amarilla Grant	7.7 acres
Total	7.7 acres

As shown on the attached revised Hydrographic Survey Map for Subfile No.: CHCV-004-0001

Amount of Water: NONE

5. Defendant(s) have no surface water rights in the Rio Chama Stream System, Village of Chama, Section 7, other than those set forth in this order and those other orders entered by this Court in this cause.
6. Defendant(s), his or her successors, representatives, heirs and assigns, should be enjoined from any use of the surface waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the water rights described herein.
7. The water rights described herein, if any, are adjudicated subject to the right of any other water right claimant with standing to object prior to the entry of a final decree.

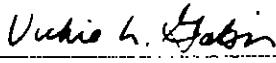
IT IS THEREFORE ORDERED that the rights of the Defendant(s) to divert and use the waters of the Rio Chama Stream System, Village of Chama, Section 7, are as set forth herein. The Defendant(s), his or her successors, representatives, heirs and assigns, are enjoined from any diversion or use of the public surface waters of the Rio Chama Stream System, Village of Chama, Section 7, except in strict accordance with the rights set forth herein or in other orders of the Court.

The Court enters this Consent Order as a final judgment as to the elements of Defendant's waters rights set forth herein, subject to the right of other claimants to file objections to individual adjudication orders, and to the entry of the final decree in this proceeding.

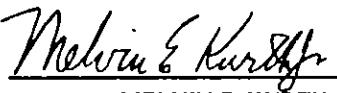


UNITED STATES DISTRICT JUDGE

Recommended for approval:



SPECIAL MASTER

SIGNATURE 

MELVIN E. KURTH JR.

ADDRESS: 235 CAMINO DEL NORTE
SANTA FE, NM 87501

DATE: 3-9-05



EDWARD G. NEWVILLE
Special Assistant Attorney General

3.16.05
Date

SEARCHED INDEXED SERIALIZED FILED
2005 MARCH 16 JUDGE JCC

THE EXHIBITS ATTACHED TO THIS
PLEADING ARE TOO VOLUMINOUS TO
SCAN. SAID EXHIBITS ARE ATTACHED
TO THE ORIGINAL PLEADING IN THE
CASE FILE WHICH IS LOCATED IN THE
RECORDS DEPARTMENT, U.S.
DISTRICT COURT CLERK'S OFFICE.